

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**FIRST COMMUNITY BANK,**

**Plaintiff,**

**V.**

**ABA INSURANCE SERVICES, INC.,**

**Defendant.**

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**CIVIL ACTION NO. \_\_\_\_\_**  
**(Jury)**

**DEFENDANT ABA INSURANCE SERVICES, INC.’ NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. Sections 1441 and 1446, ABA Insurance Services, Inc. (“ABA” or “Defendant”) hereby removes the above matter from the 319th District Court of Nueces County, Texas, to the United States District Court for the Southern District of Texas, Corpus Christi Division on the basis of diversity citizenship and amount in controversy, and in support thereof, respectfully shows the following:

**I. BACKGROUND**

1.1 The above-captioned matter was commenced in the District Court of Nueces County, Texas, by Plaintiff First Community Bank (“Plaintiff” or “FCB”) filing its original Petition on August 24, 2017. *See* Plaintiff’s Original Petition (“Petition”), which is attached hereto as Exhibit C. Plaintiff asserts a single cause of action for breach of contract against Defendant, whereby it argues that it was entitled to benefits it was owed under an insurance policy.<sup>1</sup> Defendant seeks to recover defense costs it incurred in defending itself and FCB’s

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<sup>1</sup> The insurance policy upon which Plaintiff’s claim is based was not issued by ABA, which is a managing general agent, not an insurance company.

President in other lawsuits, unidentified liquidated damages, and reasonable and necessary attorneys' fees that it will incur this case. (Petition at ¶¶ 6 – 11).

1.2 ABA's registered agent was served with a copy of a summons and the Petition on September 8, 2017 via certified mail. *See* the Notice of Service of Process Transmittal, attached hereto as Exhibit J. ABA filed its Original Answer to Plaintiff's Original Petition on October 7, 2017. *See* ABA Insurance Services, Inc.'s Original Answer to Plaintiff's Original Petition, attached hereto as Exhibit H.

1.3 ABA files this Notice of Removal within thirty (30) days from and after the date of the service of process upon it in said action. *See* 28 U.S.C. §1446(b). This Notice of Removal is being filed within one year of the commencement of this action. *See Id.*

1.4 In accordance of 28 U.S.C. § 1446(a) and Local Rule 81, Defendant has attached to this notice:

- (1) All executed process in the case;
- (2) All pleadings asserting causes of action;
- (3) All orders, if any, signed by the state judge;
- (4) The docket sheet;
- (5) An index of matters being filed; and
- (6) A list of all counsel of record, including addresses, telephone numbers, and parties represented.

1.5 A copy of this notice will be concurrently filed with the state court and served upon Plaintiff.

## **II. BASIS FOR REMOVAL**

2.1 Removal is proper based upon diversity of citizenship under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446. ABA has also met all other procedural requirements for removal.

**A. Diversity of Citizenship**

2.2 The Plaintiff First Community Bank is a Texas Corporation that maintains its principal Place of Business in Corpus Christi, Nueces County, Texas. (Petition at ¶ 1).

2.3 ABA is a foreign corporation with their principal places of business in a state other than Texas. ABA is incorporated under the laws of Ohio and it maintains a principle place of business at 5910 Landerbrook Drive, Suite 100, Mayfield Heights, Ohio 44124.

2.4 Because Plaintiff is a citizen of the State of Texas and Defendant is a citizen of the State of Ohio, complete diversity of citizenship between the parties exists.

**B. Amount in Controversy**

2.5 The court must first examine the complaint to determine whether it is facially apparent that the claims exceed the jurisdictional amount. *See St. Paul Reinsurance Co., Ltd. v. Greenberg*, 134 F.3d 1250, 1252 (5th Cir.1998); *Hartford Ins. Grp. v. Lou-Con Inc.*, 293 F.3d 908, 910 (5th Cir. 2002). Where a plaintiff's complaint alleges a specific amount of damages, apparently in good faith, that sum controls as the amount in controversy. *See St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 288, 58 S.Ct. 586, 82 L.Ed. 845 (1938).

2.6 Plaintiff has pleaded in its Petition that it seeks monetary relief in this matter in an amount more than \$200,000 but not more than \$1,000,000. (Petition at ¶ 13). As a result, the amount in controversy exceeds \$75,000. Defendant has carried its burden of proving the requisite jurisdictional amount based on the face of the Petition. Accordingly, jurisdiction over the subject matter of this case is conferred by 28 U.S.C. § 1332(a)(1).

**C. This Notice is Timely Filed**

2.7 ABA first obtained notice of this lawsuit on September 8, 2017 when its registered agent was served with Plaintiff's Petition. *See* Exhibit J. Thus, ABA is filing this Notice of Removal within the thirty (30) day time period required by 28 U.S.C. § 1446(b).

**D. Jurisdiction and Venue**

2.8 Jurisdiction is founded upon diversity of citizenship pursuant to 28 U.S.C. § 1332(a), as set forth in Paragraphs 2.2-2.4 above, and amount in controversy, as set forth in Paragraphs 2.5-2.6.

2.9 Venue is proper in this Court pursuant to 28 U.S.C. §1446(a) because this District and Division include the county in which the state action is pending.

**D. Consent**

2.10 As of the time of this filing, ABA is the only defendant named in this matter.

**E. Jury Trial Requested**

2.11 FBC demanded a jury trial in its Petition and paid the required fee. (Petition at ¶ 14).

**F. State Court Notice**

2.12 A copy of this Notice is also concurrently being filed with the state court and is being served upon the Plaintiff.

**G. Attachments**

2.13 Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81, ABA has attached the following exhibit to this Notice of Removal:

Exhibit A: Index of Matters Being Filed

Exhibit B: Docket Sheet

Exhibit C: Plaintiff's Original Petition

Exhibit D: Civil Process Request

Exhibit E: Citation for ABA Insurance Services, Inc.

Exhibit F: Citation and Return of Service for ABA Insurance Services, Inc.

Exhibit G: Civil Case Information Sheet;

Exhibit H: Defendant ABA Insurance Services, Inc.'s Original Answer;

Exhibit I: Notice of Service of Process Transmittal; and

Exhibit J: List of Parties and Counsel

Exhibit K: Civil Cover Sheet

### **III. PRAYER**

3.1 WHEREFORE, Defendant ABA Insurance Services respectfully submits, based on the allegations set forth in this Notice of Removal that this action is properly removed and request that this Court retain jurisdiction over this action.

[signature on next page]

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ Zandra E. Foley

Zandra E. Foley

Texas State Bar No. 24032085

Southern District I.D. No.: 632778

*E-Mail: zfoley@thompsoncoe.com*

Brian S. Martin

Texas State Bar No. 13055350

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Steven M. Augustine

Texas State Bar No. 24064845

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*E-Mail: saugustine@thompsoncoe.com*

One Riverway, Suite 1400

Houston, Texas 77056-1988

(713) 403-8210 Telephone

(713) 403-8299 Telecopier

*Counsel for ABA Insurance Services, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing Notice of Removal of a Civil Action and attachments is being electronically filed with the Clerk of Court using the CM/ECF system. A copy of the filing is being forwarded via Email and U.S. Mail to the following on October 6, 2017:

Van Huseman  
Eric Stewart  
Huseman & Stewart, PLLC  
615 N. Upper Broadway, Suite 2000  
Corpus Christi, TX 78401-0781  
*Counsel for Plaintiff First Community Bank*

/s/Zandra E. Foley  
Zandra E. Foley

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**FIRST COMMUNITY BANK,**

**Plaintiff,**

**V.**

**ABA INSURANCE SERVICES, INC.,**

**Defendant.**

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**CIVIL ACTION NO. \_\_\_\_\_**  
**(Jury)**

**INDEX OF MATTERS BEING FILED**

Pursuant to Local Rule 81, the following is an index of matters being filed with the Court in support of Defendant ABA Insurance Services, Inc.'s Notice of Removal:

1. Defendant's Notice of Removal (lead document);
2. All state court filings, including:
  - Docket Sheet (Exhibit B)
  - Plaintiff's Original Petition (Exhibit C)
  - Civil Process Request (Exhibit D)
  - Citation for ABA Insurance Services Inc. (Exhibit E)
  - Citation and Return of Service for ABA Insurance Services, Inc. (Exhibit F)
  - Civil Case Information Sheet (Exhibit G)
  - Defendant ABA Insurance Services, Inc.'s Original Answer;
3. Notice of Service of Process Transmittal (Exhibit I);
4. List of Parties and Counsel (Exhibit J)
5. Civil Cover Sheet (Exhibit K)



[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [New Civil & Family Search](#) [Refine Search](#) [Back](#)
Location : All Courts [Help](#)**REGISTER OF ACTIONS**

CASE No. 2017DCV-3974-G

First Community Bank vs. ABA Insurance Services, INC.

§  
§  
§  
§  
§Case Type: **Contract - Other**Date Filed: **08/24/2017**Location: **319th District Court****PARTY INFORMATION****Defendant**      **ABA Insurance Services, INC.****Attorneys****Plaintiff**      **First Community Bank****Eric S. Stewart**  
*Retained*  
361-883-3563(W)**EVENTS & ORDERS OF THE COURT**

**OTHER EVENTS AND HEARINGS**

08/24/2017 **Original Petition (OCA)**

08/24/2017 **Original Petition Documents E-filed**  
*Plaintiff S Original Petition*

08/24/2017 **Civil Case Information Sheet**

08/24/2017 **Service Request Information Sheet**  
*Service Requested*

09/05/2017 **Citation**  
ABA Insurance Services, INC.

Served                      09/08/2017

Response Due            10/02/2017

Returned                 09/11/2017

**FINANCIAL INFORMATION**

	<b>Plaintiff</b> First Community Bank	
	Total Financial Assessment	355.00
	Total Payments and Credits	355.00
	<b>Balance Due as of 10/04/2017</b>	<b>0.00</b>
08/30/2017	Transaction Assessment	355.00
08/30/2017	E-file Payment      Receipt # 2017-14581-DCCLK      First Community Bank	(355.00)

**EXHIBIT B**

CAUSE NO. 2017DCV-3974-G

<b>FIRST COMMUNITY BANK</b>	§	<b>IN THE DISTRICT COURT</b>
	§	
<b>v.</b>	§	<b>_____ JUDICIAL DISTRICT</b>
	§	
<b>ABA INSURANCE SERVICES, INC.</b>	§	<b>NUECES COUNTY, TEXAS</b>

**PLAINTIFF'S ORIGINAL PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES, FIRST COMMUNITY BANK (hereinafter FCB) and brings the following claims against Defendant ABA INSURANCE SERVICES, INC., and in support thereof, Plaintiff would respectfully show the Court as follows:

**I. PARTIES**

1. Plaintiff FIRST COMMUNITY BANK OF TEXAS is a Texas corporation that maintains its principal place of business in Corpus Christi, Nueces County, Texas.

2. Defendant ABA INSURANCE SERVICES, INC., an insurance company doing business in Nueces County, Texas, can be served through its registered agent Corporation Service Company dba CSC Lawyers Incorporating Service Company, at 211 E. 7<sup>th</sup> Street, Ste. 620, Austin, Texas 78701-3218.

**II. CONDITIONS PRECEDENT**

3. All conditions precedent for recovery have been performed or have occurred.

**III. JURISDICTION**

4. The subject matter and amount in controversy is within the jurisdiction of this Court.

#### **IV. VENUE**

5. Venue is proper in Nueces County under TEXAS CIVIL PRACTICE & REMEDIES CODE §§ 15.002 and 15.032. A substantial part of the events or omissions complained of occurred in Nueces County, the insurance policy was purchased in Nueces County, the policy was negotiated in Nueces County, the loss occurred in Nueces County, and the policyholder resided in Nueces County at the time the cause of action accrued.

#### **V. FACTS**

6. FCB purchased an insurance policy from Defendant which requires Defendant to provide a defense should a covered claim be made against FCB. Such a claim was made and Defendant failed to pay policy benefits.

7. FCB and its President, Wes Hoskins, were subjected to multiple lawsuits against them, as well as extensive discovery proceedings, including Cause No. 2015-DCV-3478-B in the 117<sup>th</sup> Judicial District Court of Nueces County, Texas. Fortunately, FCB was able to resolve the claims against it without payment of either money or other consideration. Defendant objected to the settlement, complaining that the policy of insurance contained a “consent to settle” clause. This objection was patently frivolous since payment by Defendant carrier was neither requested nor made.

8. FCB reported to Defendant on the status of the lawsuit, including the conclusion that the defense costs would likely exceed the policy retention amount. Defendant later insisted that it was not told of the possibility of exceeding the retention—despite having received continuing reports to the contrary. Defendant also received pleadings, motions, and invoices for the multiple attorneys involved, but later insisted that it was not told of the existence of those lawyers. Defendant repeatedly hid behind technical “defenses”—making false statements of

fact—to justify its failure to pay policy benefits afforded by the policy. Ultimately, Defendant paid only a small fraction of the costs it owed.

## **VI. BREACH OF CONTRACT**

9. Defendant's conduct constitutes a breach of contract as Defendant has not complied with the terms and requirements of the policy. Specifically, Defendant was provided with the names and identities of the various attorneys representing First Community Bank and its chairman, Wes Hoskins, in the various matters as early as December 23, 2014, but ignored that information. Defendant denied awareness of the magnitude of the various problems and disapproved the very attorneys who had obtained the favorable result for FCB after the fact.

10. Alternatively, Defendant either ignored or was ignorant of Texas law regarding the enforcement of notice and approval provisions contained within policies of insurance. Under Texas law an insurer must demonstrate actual prejudice in order to insist on notice or prior approval in order to decline coverage. Defendant has not (so far) shown any prejudice from a zero-payment settlement.

11. Defendant's wrongful conduct was a producing cause of injury and damages to the bank within the jurisdictional limits of the court. FCB also seeks recovery of unliquidated damages and also reasonable and necessary attorney's fees.

## **VII. DISCOVERY**

12. Discovery should be conducted under Level 3.

## **VIII. DAMAGES**

13. Pursuant to Texas Rule of Civil Procedure 47, Plaintiff FCB seeks monetary relief over \$200,000 but not more than \$1,000,000 and all other relief to which it is justly entitled,

including damages of any kind, penalties, costs, expenses, pre-judgment interest, and reasonable and necessary attorney's fees.

**IX. JURY DEMAND**

14. FCB demands a jury trial and tenders the appropriate fee with this petition.

**X. REQUEST FOR DISCLOSURES**

15. Under Texas Rule of Civil Procedure 194, FCB requests Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.

**XI. PRAYER FOR RELIEF**

16. FCB prays for the following judgment against Defendant:
- a. Actual damages;
  - b. Pre-judgment and post-judgment interest;
  - c. Court costs;
  - d. Attorneys' fees;
  - e. All other relief to which it is entitled.

Respectfully submitted,

/s/ Eric Stewart  
VAN HUSEMAN  
SBN: 10323500  
[vhuseman@husemanstewart.com](mailto:vhuseman@husemanstewart.com)  
ERIC STEWART  
SBN: 24058133  
[estewart@husemanstewart.com](mailto:estewart@husemanstewart.com)  
**HUSEMAN & STEWART, PLLC**  
615 N. Upper Broadway, Suite 2000  
Corpus Christi, TX 78401-0781  
Tel: (361) 883-3563  
Fax: (361) 883-0210

**NUECES COUNTY PROCESS REQUEST SHEET****901 LEOPARD STREET ROOM 313 / CORPUS CHRISTI, TEXAS 78401****PHONE # 361-888-0450 / FAX # 361-888-0424***FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING.*CAUSE NUMBER: 2017DCV-3974-G

CURRENT COURT: \_\_\_\_\_

DATE OF REQUEST: 8/30/17

AMOUNT PAID: \_\_\_\_\_

***SERVICE WILL ONLY BE ISSUED UPON PAYMENT OF COST!*****TYPE OF SERVICE/PROCESS TO BE ISSUED**Certified Mail, Return Receipt Requested**NAME OF DOCUMENT/PLEADINGS TO BE SERVED**Plaintiff's Original Petition, Civil Cover Sheet**SERVICE BY:**☐ ATTORNEY FOR PICK UP ☐ ATTORNEY RETURN BY MAIL ☐ CONSTABLE/SHERIFF ☐ NO SERVICE☐ CIVIL PROCESS SERVER:

AUTHORIZED PERSON: \_\_\_\_\_ PHONE: \_\_\_\_\_

☒ **CERTIFIED MAIL** ☐ RESTRICTED DELIVERY☐ COURTHOUSE POSTING # OF DAYS TO BE POSTED: \_\_\_\_\_**BRIEF STATEMENT OF NONSUIT (USE REVERSE SIDE)**☐ **PUBLICATION**

NAME OF PUBLICATION: \_\_\_\_\_

# OF DAYS TO BE PUBLISHED: \_\_\_\_\_

**BRIEF STATEMENT OF NONSUIT (USE REVERSE SIDE)****PARTY/PARTIES TO BE SERVED:****[1] NAME/AGENT** ABA Insurance Services, Inc./Corporation Service Company dba CSC Lawyers  
Incorporating Service Company**ADDRESS** 211 E. 7<sup>th</sup> Street, Ste. 620, Austin, Texas 78701-3218**[2] NAME/AGENT** \_\_\_\_\_**ADDRESS** \_\_\_\_\_**ATTORNEY OR PARTY REQUESTING ISSUANCE OF PROCESS:****NAME** Eric Stewart **ATTORNEY BAR #** 24058133**MAILING ADDRESS** 615 N. Upper Broadway, Ste. 2000, Corpus Christi, Texas 78401**PHONE #** 361-883-3563**FAX #** 361-883-0210**ATTORNEY REPRESENTS:** PLAINTIFF XX DEFENDANT OTHER

ORIG

**Citation for Personal Service –RESIDENT NOTICE (CERTIFIED MAIL)**

Case Number: **2017DCV-3974-G**

THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

TO: **ABA Insurance Services, Inc.**  
**211 E 7th Street, Ste 620**  
**Austin Tx 78701-3218**  
the Defendant,

GREETING: You are commanded to appear by filing a written answer to the **Plaintiff's Original Petition; Civil Case Information Sheet** at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service of this citation before the **Honorable David Stith, 319th District Court** of Nueces County, Texas at the Courthouse of said County in Corpus Christi, Texas. Said Petition was filed on the 24th day of August, 2017. A copy of same accompanies this citation.  
The file number of said suit being Number: **2017DCV-3974-G**

The style of the case is: **First Community Bank vs. ABA Insurance Services, INC.**

Said Petition was filed in said court by **Eric S. Stewart**, attorney for Plaintiff, whose address is 615 N Upper Broadway Suite 2000 Corpus Christi Tx 78401-0781 .

The nature of the demand is fully shown by a true and correct copy of the Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly mail the same according to requirement of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said court at Corpus Christi, Texas, this 5th day of September, 2017.



**ANNE LORENTZEN, DISTRICT CLERK**  
**NUECES COUNTY, TEXAS**  
**901 LEOPARD STREET, ROOM 313**  
**CORPUS CHRISTI, TEXAS 78401**

BY: *Yvonne N. Garcia*, Deputy  
Yvonne N. Garcia

EXHIBIT E

**RETURN OF SERVICE**

2017DCV-3974-G

**FIRST COMMUNITY BANK**  
**VS.**  
**ABA INSURANCE SERVICES, INC.**

319TH DISTRICT COURT

Name \_\_\_\_\_

**ADDRESS FOR SERVICE**

**ABA Insurance Services, INC.**  
 211 E 7Th Street, Ste 620  
 Austin TX 78701-3218

**OFFICER'S OR AUTHORIZED PERSON'S RETURN**

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ m., and executed in \_\_\_\_\_ County, Texas by delivering to the within named defendant in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the \_\_\_\_\_, at the following times and places, to-wit:

NAME	DATE/TIME	PLACE, COURSE & DISTANCE FROM COURTHOUSE
------	-----------	--

And not executed as to the defendant(s), \_\_\_\_\_  
 The diligence used in finding said defendant(s) being: \_\_\_\_\_

and the cause of failure to execute this process is: \_\_\_\_\_

and the information received as to the whereabouts of said defendant(s) being: \_\_\_\_\_

Fees:	_____	Officer
Serving Petition and Copy \$ _____	_____	County, Texas
Total \$ _____	By _____	Deputy

**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.**

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a Citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my  
 (First, Middle, Last)

address is \_\_\_\_\_  
 (Street, City, State, Zip, Country)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of  
 of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Declarant / Authorized Process Server

\_\_\_\_\_  
 ID# & Expiration of Certification



U.S. Postal Service

**CERTIFIED MAIL® RECEIPT***Domestic Mail Only*For delivery information, visit our website at [www.usps.gov](http://www.usps.gov)**OFFICIAL U S**

Certified Mail Fee

\$

Extra Services &amp; Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$ \_\_\_\_\_
- ☐ Return Receipt (electronic) \$ \_\_\_\_\_
- ☐ Certified Mail Restricted Delivery \$ \_\_\_\_\_
- ☐ Adult Signature Required \$ \_\_\_\_\_
- ☐ Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postm  
Her

Postage

\$

Total Postage

\$

Sent To

Street and

City, State, Zip

**ABA Insurance Services, Inc.**  
**C/O Corporation Service Co. dba**  
**CSC Lawyers Incorp. Service Comp**  
**211 E. 7<sup>th</sup> Street, Ste. 620**  
**Austin, Texas 78701-3218**

7017 1450 054T 2T02  
 7017 1450 0000 5398 3012  
 7017 1450 0000 5398 3012



**ANNE LORENTZEN**  
**DISTRICT CLERK**



Certificate of  
Return of Service

DISTRICT COURTS / COUNTY COURTS AT LAW

901 LEOPARD STREET, ROOM 313

CORPUS CHRISTI, TEXAS 78401

361 888-0450 Fax 888-0571

Cause Number 2017DCV-3974-G

First Community Bank

vs.

Style: ABA Insurance Services, INC.

Pursuant to the Texas Rules of Civil Procedure, the undersigned certifies this cause.  
Service was issued:

To: ABA Insurance Services, INC.

211 E 7Th Street

Ste 620

Austin TX 78701-3218

On (Date Issued) 09/05/2017

and served on: 09/08/2017

or returned unserved

By Certified or Registered Mail. The returned receipt is attached to this form and was filed in this office on:

**ANNE LORENTZEN, DISTRICT CLERK**  
NUECES COUNTY, TEXAS  
901 LEOPARD STREET, ROOM 313  
CORPUS CHRISTI, TEXAS 78401

BY: Wendy Carvajal Deputy  
Wendy Carvajal



Date 09/11/2017

**RECIPIENT: COMPLETE THIS SECTION**

Complete items 1, 2, and 3.

Write your name and address on the reverse so that we can return the card to you.

Attach this card to the back of the mailpiece, if possible, or in the front if space permits.

Addressed to:

**Insurance Services, Inc.**

**Corporation Service Co. dba**

**Lawyers Incorp. Service Company**

**E. 7<sup>th</sup> Street, Ste. 620**

**San Antonio, Texas 78701-3218**



9590 9402 3028 7124 1653 68

Postage Number (Transfer from service label)

017 1450 0000 5398 3012

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

**X**

☐ Adult Signature  
☐ Adult Signature Restricted Delivery

B. Received by (Printed Name)

C. Date of Delivery

SEP 11 2015

D. Is delivery address different from item 1? ☐ YES

If YES, enter delivery address below: ☐ NO

**3. Service Type**

- ☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☒ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery  
☐ Registered Mail  
☐ Registered Mail Restricted Delivery  
☐ Signature Confirmation  
☐ Signature Confirmation Restricted Delivery  
☐ Signature Confirmation Restricted Delivery (over \$500)

- ☐ Priority Mail Express  
☐ Registered Mail  
☐ Registered Mail Restricted Delivery  
☒ Return Receipt for Merchandise  
☐ Signature Confirmation  
☐ Signature Confirmation Restricted Delivery

USPS TRACKING#



First-Class Mail  
Postage & Fees  
USPS  
Permit No. G-10

590 9402 3028 7124 1653 68

United States  
Postal Service

Sender: Please print your name, address, and ZIP+4® in this box•

Anne Lorentzen  
Nueces County District Clerk  
O. Box 2987  
Corpus Christi, Texas 78403

CLERK OF COURTY  
DISTRICT CLERK  
NUECES COUNTY, TEXAS

PA 2:53

SEP 11 2017  
NUECES COUNTY, TEXAS  
CLERK OF COURTY  
DISTRICT CLERK

2017 DCV 3974-6

cat





## CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): 2017DCV-3974-G COURT (FOR CLERK USE ONLY): \_\_\_\_\_STYLED First Community Bank v. ABA Insurance Services, Inc.

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

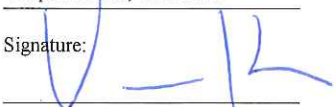
1. Contact information for person completing case information sheet:		Names of parties in case:		Person or entity completing sheet is:		
Name:	Email:	Plaintiff(s)/Petitioner(s):	<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____			
Van Huseman	vhuseman@husemanstewart.com	First Community Bank				
Address:	Telephone:	Defendant(s)/Respondent(s):				
615 N Upper Broadway, #2000	361-883-3563	ABA Insurance Services, Inc.				
City/State/Zip:	Fax:		Additional Parties in Child Support Case:			
Corpus Christi, TX 78401	361-883-0210		Custodial Parent: _____			
Signature: 	State Bar No:		Non-Custodial Parent: _____			
	10323500		Presumed Father: _____			
[Attach additional page as necessary to list all parties]						
2. Indicate case type, or identify the most important issue in the case (select only 1):						
Civil			Family Law			
Contract	Injury or Damage	Real Property	Marriage Relationship	Post-judgment Actions (non-Title IV-D)		
<i>Debt/Contract</i> <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input checked="" type="checkbox"/> Other Debt/Contract: insurance <i>Foreclosure</i> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	<input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <i>Malpractice</i> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <i>Product Liability</i> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	<input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____  <th style="text-align: center;">Related to Criminal Matters</th> <td> <input type="checkbox"/> Annulment  <input type="checkbox"/> Declare Marriage Void  <i>Divorce</i>  <input type="checkbox"/> With Children  <input type="checkbox"/> No Children       </td> <td> <input type="checkbox"/> Enforcement  <input type="checkbox"/> Modification—Custody  <input type="checkbox"/> Modification—Other    <th style="text-align: center;">Title IV-D</th> </td>	Related to Criminal Matters	<input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <i>Divorce</i> <input type="checkbox"/> With Children <input type="checkbox"/> No Children	<input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other  <th style="text-align: center;">Title IV-D</th>	Title IV-D
		<input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	<input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	<input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order  <th style="text-align: center;">Parent-Child Relationship</th>	Parent-Child Relationship	
<th style="text-align: center;">Employment</th> <td colspan="2"> <th style="text-align: center;">Other Civil</th> <td></td> <td> <input type="checkbox"/> Adoption/Adoption with Termination  <input type="checkbox"/> Child Protection  <input type="checkbox"/> Child Support  <input type="checkbox"/> Custody or Visitation  <input type="checkbox"/> Gestational Parenting  <input type="checkbox"/> Grandparent Access  <input type="checkbox"/> Parentage/Paternity  <input type="checkbox"/> Termination of Parental Rights  <input type="checkbox"/> Other Parent-Child: _____       </td> </td>	Employment	<th style="text-align: center;">Other Civil</th> <td></td> <td> <input type="checkbox"/> Adoption/Adoption with Termination  <input type="checkbox"/> Child Protection  <input type="checkbox"/> Child Support  <input type="checkbox"/> Custody or Visitation  <input type="checkbox"/> Gestational Parenting  <input type="checkbox"/> Grandparent Access  <input type="checkbox"/> Parentage/Paternity  <input type="checkbox"/> Termination of Parental Rights  <input type="checkbox"/> Other Parent-Child: _____       </td>		Other Civil		<input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____
<input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____	<input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property	<input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____				
<th style="text-align: center;">Tax</th> <td colspan="4"> <th style="text-align: center;">Probate &amp; Mental Health</th> </td>	Tax	<th style="text-align: center;">Probate &amp; Mental Health</th>				Probate & Mental Health
<input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	<i>Probate/Wills/Intestate Administration</i> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings  <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____					
3. Indicate procedure or remedy, if applicable (may select more than 1):						
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover				
4. Indicate damages sought (do not select if it is a family law case):						
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input checked="" type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000						

EXHIBIT C

**CAUSE NO.2017-DCV-3974-G**

FIRST COMMUNITY BANK,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
V.	§	NUECES COUNTY, TEXAS
	§	
ABA INSURANCE SERVICES, INC.,	§	
	§	JUDICIAL DISTRICT
Defendant.	§	

**ABA INSURANCE SERVICES, INC.'S ORIGINAL ANSWER TO PLAINTIFF'S  
ORIGINAL PETITION**

Defendants ABA INSURANCE SERVICES, INC. ("ABA" or "Defendant") files this its Original Answer to Plaintiffs' Original Petition in the above-styled and numbered cause, and would respectfully show the following:

**I. GENERAL DENIAL**

1.1 Defendant generally denies the allegations in Plaintiff's Original Petition, and request that Plaintiff be required to prove them by a preponderance of the evidence, in accordance with the Laws of the State of Texas.

**II. ADDITIONAL DEFENSES**

2.1 Defendant denies that Plaintiff has stated a claim for which relief may be granted and/or Plaintiff's claim(s) have no basis in law or fact.

**III. PRAYER**

3.1 WHEREFORE, PREMISES CONSIDERED, Defendant ABA Insurance Services, Inc. respectfully prays that Plaintiff take nothing from this suit, and that Defendant receive all costs of Court and such other and further relief, both at law and in equity, to which Defendant may show itself to be justly entitled.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ Zandra E. Foley

Zandra E. Foley

Texas State Bar No. 24032085

*E-Mail: zfoley@thompsoncoe.com*

Brian S. Martin

Texas State Bar No. 13055350

*E-mail: bmartin@thompsoncoe.com*

Steven M. Augustine

Texas State Bar No. 24064845

*E-Mail: saugustine@thompsoncoe.com*

One Riverway, Suite 1400

Houston, Texas 77056-1988

(713) 403-8210 Telephone

(713) 403-8299 Telecopier

*Counsel for ABA Insurance Services, Inc.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 6th day of October, 2017, a true and correct copy of this document was electronically forwarded to all known counsel of record in accordance with the Texas Rules of Civil Procedure, as follows:

Van Huseman  
Eric Stewart  
Huseman & Stewart, PLLC  
615 N. Upper Broadway, Suite 2000  
Corpus Christi, TX 78401-0781  
[vhuseman@husemanstewart.com](mailto:vhuseman@husemanstewart.com)  
[estewart@husemanstewart.com](mailto:estewart@husemanstewart.com)  
*Attorneys for Plaintiffs*

/s/ Steven M. Augustine

Steven M. Augustine



## Filing Details

Submission Id: 19908988  
 Submission Date and Time: 10/06/17 11:32 AM  
 Submission Status: submitted  
 Filing Acceptance Date and Time:  
 Clerk Notes:

## Case Information

Case Title: First Community Bank vs. ABA Insurance Services, INC.  
 Location: Nueces County - 319th District Court Client ID: 11589.002  
 Court: Attorney: Zandra E Foley  
 Case Category: Civil - Contract Filer: Josephine Hart  
 Case Type: Debt/Contract - Other Payment Account: FileTime Platinum Account  
 Case Number: 2017DCV-3974-G

## Parties

Party Type	Name	Attorney
Plaintiff	First Community Bank	
Defendant	ABA Insurance Services, INC.	Zandra E Foley

## Filing

Filing Code	Document	Type						
Answer/Response	<table> <tr> <th>Document Name</th><th>Type</th><th>Security</th></tr> <tr> <td>ABA_Answer_to_Pliff_Orig_Petition.pdf</td><td>Lead Document</td><td>Does not contain sensitive data</td></tr> </table>	Document Name	Type	Security	ABA_Answer_to_Pliff_Orig_Petition.pdf	Lead Document	Does not contain sensitive data	eFile & eServe
Document Name	Type	Security						
ABA_Answer_to_Pliff_Orig_Petition.pdf	Lead Document	Does not contain sensitive data						

## Court Services Requested

## Firm Service Contacts

Name	Email Address
Steven Augustine	saugustine@thompsoncoec.com
Zandra Foley	zfoley@thompsoncoec.com
Brian Martin	bmartin@thompsoncoec.com

## Filing eService Recipients

Status Code	Name	Email	Served	Opened
Sent	Eric Stewart	estewart@husemanstewart.com	10/06/17 11:33 AMCDST	10/06/17 12:50 PMCDST

## Fax Service

Name	Number	Status	Response
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## Fees Breakdown

## Court Fees

## Answer/Response

Filing Fee \$0.00

**Total Fee For This Filing**

**\$0.00**

## Submission Fees

eFiling Manager Convenience Fee \$0.12

FileTime Service Fee \$3.99

Sales Tax on FileTime Fee \$0.33

**Total Submission Fees**

**\$4.44**

**Total Fees for this Submission**

**\$4.44**

## Credit Card Information Breakdown

Your credit card statement will show:

## Pleading

Jurisdiction (TXERFILE) \$0.00

eFiling Manager (Tyler (TX)file Conv Fee) \$4.44

## Notes

The above fees are **estimates only** and are subject to change after clerk review. You **should not use this page for billing purposes**. Your firm eFiling Administrator should run a billing report under **Admin > Reports**.



## Notice of Service of Process

null / ALL  
Transmittal Number: 17124045  
Date Processed: 09/11/2017

**Primary Contact:** Eric Steiner  
ABA Insurance Services  
5910 Lander Brook Drive  
Ste 100  
Mayfield Heights, OH 44124

**Electronic copy provided to:** Shawn McNamara

---

<b>Entity:</b>	ABA Insurance Services Inc. Entity ID Number 2781420
<b>Entity Served:</b>	ABA Insurance Services, Inc.
<b>Title of Action:</b>	First Community Bank vs. ABA Insurance Services, Inc
<b>Document(s) Type:</b>	Citation/Petition
<b>Nature of Action:</b>	Contract
<b>Court/Agency:</b>	Nueces County District Court, Texas
<b>Case/Reference No:</b>	2017DCV-3974-G
<b>Jurisdiction Served:</b>	Texas
<b>Date Served on CSC:</b>	09/08/2017
<b>Answer or Appearance Due:</b>	10:00 am Monday next following the expiration of 20 days after service
<b>Originally Served On:</b>	CSC
<b>How Served:</b>	Certified Mail
<b>Sender Information:</b>	Eric Stewart 361-883-3563

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Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to CSC**

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**FIRST COMMUNITY BANK,**

**Plaintiff,**

**V.**

**ABA INSURANCE SERVICES, INC.,**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. \_\_\_\_\_**  
**(Jury)**

**LIST OF PARTIES AND COUNSEL**

**1. COUNSEL FOR PLAINTIFF FIRST COMMUNITY BANK:**

Van Huseman  
Texas State Bar No. 10323500  
Email: vhuseman@husemanstewart.com  
Eric Stewart  
Texas State Bar No. 24058133  
estewart@husemanstewart.com  
HUSEMAN & STEWART, PLLC  
615 N. Upper Broadway, Suite 2000  
Corpus Christi, TX 78401-0781  
Telephone: (361) 883-3563  
Facsimile: (361) 883-0210

**2. COUNSEL FOR DEFENDANT ABA INSURANCE SERVICES, INC.:**

**THOMPSON, COE, COUSINS & IRONS, L.L.P.**

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Southern District I.D. No.: 632778  
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Brian S. Martin  
Texas State Bar No. 13055350  
Southern District I.D. No.: 8823  
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Steven M. Augustine  
Texas State Bar No. 24064845

Southern District I.D. No.: 1467860  
E-Mail: [saugustine@thompsoncoe.com](mailto:saugustine@thompsoncoe.com)  
One Riverway, Suite 1400  
Houston, Texas 77056-1988  
(713) 403-8210 Telephone  
(713) 403-8299 Telecopier

JS 44 (Rev. 06/17)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

FIRST COMMUNITY BANK

(b) County of Residence of First Listed Plaintiff Nueces  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Van Huseman and Eric Stewart

Huseman &amp; Stewart, PLLC

615 N. Upper Broadway, Ste. 2000, Corpus Christi TX 78401

**DEFENDANTS**

ABA INSURANCE SERVICES, INC.

County of Residence of First Listed Defendant Cuyahoga, Ohio  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Zandra E. Foley and Steven M. Augustine

Thompson Coe Cousins &amp; Irons LLP

One Riverway, Ste. 1400, Houston TX 77056

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |   |                                       |
|---|----------------------------|---|---------------------------------------|
| PTF                                     | DEF                        | PTF   | DEF                                   |
| <input checked="" type="checkbox"/> 1   | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 4                         | <input type="checkbox"/> 4            |
| Citizen of This State                   |                            | Incorporated or Principal Place of Business In This State     |                                       |
| <input type="checkbox"/> 2              | <input type="checkbox"/> 2 | <input type="checkbox"/> 5                                    | <input checked="" type="checkbox"/> 5 |
| Citizen of Another State                |                            | Incorporated and Principal Place of Business In Another State |                                       |
| <input type="checkbox"/> 3              | <input type="checkbox"/> 3 | <input type="checkbox"/> 6                                    | <input type="checkbox"/> 6            |
| Citizen or Subject of a Foreign Country |                            | Foreign Nation  |                                       |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Sections 1441 and 1446

Brief description of cause:

Removal of breach of contract claim based on diversity jurisdiction.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

1,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/06/2017

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

EXHIBIT K